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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91202219
Party	Plaintiff Eat Right Foods Ltd.
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Attachments	Notice of Reliance No. 22.pdf ( 2 pages )(1124938 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

EAT RIGHT FOODS LTD.,

Opposer,

v.

KEVIN LEVILLE,

Applicant.

Opp. No.: 91202219

Ser. No.: 77/868,068

Date of Publication:  
April 26, 2012

**OPPOSER EAT RIGHT FOODS LTD.'S**  
**NOTICE OF RELIANCE NO. 22**

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that, pursuant to 37 C.F.R. § 2.122(e) and 704.08(b) of the Trademark Trial and Appeal Board Manual of Practice and Procedure, Opposer Eat Right Foods Ltd. provides Notice of Reliance on material published on the Internet at <http://www.flickr.com/photos/wfmontario/4526769784/>, accessed and publicly available on September 24, 2012, submitted herewith. The material being offered is relevant to applicant Kevin Leville's use of the applied-for mark in commerce, the goods and services on which Applicant uses his mark, the channels of trade in which Applicant markets and sells such goods and services, and the likelihood of confusion between Applicant's applied-for mark and Opposer's registered marks.

Dated: September 25, 2012.

Respectfully Submitted,  
SHARTSIS FRIESE LLP

By: \_\_\_\_\_

  
JOSEPH V. MAUCH

Attorneys for Opposer  
EAT RIGHT FOODS LTD.



WFM\_HSHIMG\_0043

Whole Foods Market Oakville - Health Start Here, John Mackey, CEO/Founder Whole Foods Market  
Ontario Tour. March 24, 2010.

Photo courtesy:

[kc]

Kevin Charlie  
wedding + lifestyle photographer  
www.kevincharlie.com

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By Whole Foods Market Ontario  
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